



Heads Up

Vol . 6
Newsletter of the W.F.A.
Date: October 12, 2006

Notice is hereby given that the 4th Annual General Meeting of the Western Fallers Association will be held at:

**Best Western Dorchester
70 Church Street
Nanaimo, B.C
on
Saturday, January 13th, 2007
9:00 am-3:30 pm
Doors open at 8:30 for coffee and pastries**

The Dorchester's phone numbers are 1-800-661-2449 (toll free) or (250)754-6835. If you are calling to book a room please register under group number 874 or the WFA, as always you will be eligible for a discount rate.

Refreshments and lunch will be served on site at no charge to all attendees; we hope to see you there!

Court Strikes Down WorksafeBC Policy

On May 12, 2006, the BC Supreme Court issued its decision in *Cowburn v. WCB* (2006 BCSC 722). The decision struck down a WorksafeBC policy regarding the interpretation of "recurrence of disability" as being patently unreasonable. Under s. 35.1 (8) of the *Workers Compensation Act*, the new rules for paying disability benefits applied if a worker had "a recurrence of a disability", even if the original injury happened before the new rules came into effect. WorksafeBC interpreted this to include situations where injured workers were receiving disability benefits from before the new rules came into effect, but their condition deteriorated afterwards. The effect of WorksafeBC's policy was that workers would only be paid for any additional disability awards up until age 65, whereas their original disability award was paid for life. Also for workers whose condition deteriorated after age 65, WorksafeBC would not pay for any additional disability award unless the person would have retired after age 65. The BC Supreme Court decided that WorksafeBC's interpretation was patently unreasonable.

If WorksafeBC does not appeal the court decision, it has to review all previous decisions made under the policy to see if benefits should have been paid differently. Also, all new decisions of WorksafeBC, the Review Division and the Workers Compensation Appeal Tribunal are to be decided as if the policy did not exist. If you would like more information on this matter, feel free to contact the office of the Employers Advisers at: (604) 713-0303 or toll free at 1-800-925-2233

Fallers and Modified Saws

Late last Spring the WFA submitted a request to WorksafeBC (WSBC) asking for a review on their

policy towards Fallers using modified (Walkerized to a lot of us) saws, this letter can be viewed on our website under postings. By early Summer we had received a written response from Don Dahr, Manager of Industry Services. The ball got rolling by WSBC taking a trip to Walkers Saw Shop in Nanaimo to check out just what Donny was doing to his products. After that there was an advisory team assembled in Richmond to mull over our concerns.

Paragraph 4 of WSBC's response to us stated, "The team concluded that the appropriate course of dealing with the issue is to treat all saws equally, whether modified or stock. That is, the issue is not whether a saw is modified; rather it is a question of meeting applicable requirements".

The response went on stating that a modified saw must meet the requirements of CSA Standard Z62 1-95 covering various matters including sound levels, exhaust gas and exposed surface temperatures, speed of chain stop, vibration, balance and cranking effort.

The WFA contacted WSBC asking them in layman's terms "can the Fallers use modified saws without any hassles from their officers?" Though we never did get a straight answer out of them, they more or less threw the ball into the person doing the modifications court, meaning that there could be liabilities involved if a fatal or accident was ever traced back to a modified saw. We asked our old pal, Don Walker how he felt about all this, a shortened up version of his response was, "I can live with this, I must say though, there seems to be a problem getting the word out to WSBC officers, they still seem to be hassling Fallers for using modified saws".

Something else that came out of all of this was the WFA has been asked by WSBC to put a member on their steering committee for power saws which meets, reviews and upgrades CSA Standards. We have asked Don Walker if he would represent our group when the steering committee meets which he did agree too.

Coroners Inquest into 'Turbo' Ted Gramlich's Fatality

The Coroners office recently wrapped up an inquest into the death of our friend and colleague, Ted Gramlich. When the initial reports first came in on this particular fatality last November, it was quite evident to us that virtually everything was wrong in this scenario and judging by the 23 recommendations that came out at the verdict in September, we were right.

The verdict takes up 4 pages which will be posted on the website in short order. In summary 8 recommendations were aimed at the BC Forest Safety Council, highlighting several programs Council is already labouring on. 5 recommendations went directly to Paul McElligott, President and CEO of Timberwest suggesting them to brush up their safety programs and 'that the bid process include a budget that differentiates the amount set aside for safety'. 2 recommendations went to Olga Ilich, Minister of Labour regarding some clarification of the *Workers Compensation Act* as it relates to owners and timber tenure licensees, supervisors and prime contractors as well as a review towards single employee companies. 7 recommendations went to Doug Enns, Chairman of the Workers Compensation Board all covering very valid and substantial issues for their consideration and one to Mr. Terry Smith, Chief Coroner for B.C. His recommendation requests an autopsy on all workplace fatalities to determine a definitive medical cause of death. Our hats go off to all those involved with this inquest for a job thoroughly and well done. Now, hopefully follow-up and action will be taken on all the recommendations that came out of this verdict.

Because there appeared to be obvious infractions towards WSBC's *regulation* that took place

throughout this fatality we got hold of them to enquire if they planned on pursuing any fines or penalties against any of the entities involved? The reply we got from Scott McCloy, WSBC's communications liason was, "WorksafeBC continues to review its investigation into the death of Faller Ted Gramlich, November 29th, 2005. A penalty against Timberwest and LJC Contracting is being considered. More information will be available in about a month's time".

Seminar on Danger trees, Snags and Faller Safety

With respect to the last Faller fatal of 2005 which happened on Western Forest Product (WFP) North Island operation, a team was assembled from within WFP early this year to take a look at snags and danger trees that we as Fallers constantly have to deal with. In Vancouver on September 13th 30-40 Forest Industry representatives, predominately from the coast, got together in a seminar put on by WFP, BCFSC and FERIC to discuss their findings and the 17 recommendations that came out of the 'teams' efforts.

WFP's teams' intent is that the findings and recommendations will promote collaborative efforts to improve worker safety in the management of dangerous trees across the Forest Sector. While all 17 recommendations are quite substantial, some will be used internally within WFP, while others will be used sector wide. The complete 86 page report can be viewed on the BCFSC website at bcforestsafe.org, it's right there on their front page. Kudos to WFP team for this one!

SAFE Companies Certification Program Launched

By far, the grandest undertaking of the BC Forest Safety Council is the SAFE (Safety Accord Forest Enterprise) Companies initiative. After just about a year in development the announcement came late last month that the program is 'open for business'. Under the SAFE Companies program, participating forest companies are certified as exceeding all required safety and are committed to making safety an overriding responsibility.

Developed by the BCFSC in conjunction with Industry and WSBC, the SAFE Companies program will require annual certification for BC forest companies. The Councils target is to start registration and certification this fall, with the expectation that all companies will be part of the program by the end of 2007. Participating companies will benefit from rebates to their Workers Compensation assessments and from reduced injuries and lost time. This means that more than 4000 forest companies in the sector, large and small, will be reviewing and annually verify the effectiveness of their safety programs.

"As the industries safety record improves, there will be fewer claims and the costs, currently the highest in BC, will go down," states Steve Mueller, Director of the SAFE Companies program. "Improved safety performance will also be reflected in the sectors competitiveness and bottom line."

The launching of SAFE Companies runs parallel to a report released by the BCFSC called the cost of unsafe. The report is part of a broader effort by the Council, WSBC and others to improve the quality of both historical and future safety information. The report considered the forest harvesting sectors safety performance for 3 years, from 2003-2005.

The report estimates that total expenditures for injuries, fatalities and related injury expenses to industry were 432 million over the 3 year period, including 108 million in direct costs and 324 million in indirect costs. A 50% reduction in all claims would result in industry savings totalling 216 million, including 54 million in direct costs and 162 million in indirect costs. This reduction could result in 1,600 fewer short-term disability claims, 485 fewer longer- term disability claims, and 2,000 fewer health care only claims.

New Faller Training

Bill Bolton and the Faller Certification and Training group are just wrapping up another 30 day instruction program at a worksite near Port Alberni which was put on by Malapina College in Nanaimo. 8 candidates went through the program made up of 5 days of classroom instruction followed by 25 days of closely supervised field training. This prepares them for phase 2 on their road to being a Faller.

The Trainees are now ready to head into the second part of the training program which includes up to 180 days of actual falling experience under supervision with a reputable forest employer. Trainees who successfully complete the training and work experience program are entitled to take a written exam followed by a field evaluation to become a certified Faller in the province of B.C, the same one we all went through to be 'Grandfathered' in.

These 8 Trainees are the 3rd group to be put through BCFSC's Training program. 2 sessions have been put on through the North Island College in Campbell River with the most current out of Nanaimo. Malaspina University-College in Nanaimo will be running another course starting October 30th.

New Faller Training will be offered to colleges and other leaning institutes throughout B.C. in the future. Anyone wishing further information should contact Gary Banys at (250) 724-2813, he does all the coordinating for the BC Forest Safety Council's New Faller training.

The 'Prime Contractor' Conundrum

Last newsletter we 'red flagged' the issue of some of our members being asked to take on the roll of Prime Contractor when signing up a falling contract. While the Licensees at present do have legal right to off load this responsibility onto the shoulders, most of us **do not** have the capacity or for that matter want the responsibility that goes with the role of being a Prime Contractor. As a Falling Contractor, you are what's known as a Phase Contractor, you'd like to look after some falling work for another entity.

Our colleagues at the Central Interior Logging Association recently sponsored a workshop in Prince George at which they brought in Don Dahr from WSBC to speak to the matter. While Don was able to clarify many of the issues that we already new, the question of 'just what is expected of a Prime Contactor' couldn't be answered. BCFSC in conjunction with WSBC are currently putting together a check list for the entire forest harvesting sector to use, this should be available towards the end of November. Until then, watch the fine print when taking on and signing up a falling contract.

FYI

Earlier this year as WSBC rolled out and piloted their new compliance strategy many of us had orders written up to us. Even though many of us were a little pissed off at receiving these, most were valid and done properly by the officers, it turns out some weren't. If a WSBC officer is going to write orders against you or your company they must be done and presented to you on site, they are not suppose to show up as a surprise in the mail days later after you thought you just had a friendly and productive visit with an officer. If the orders are presented to you on site, it gives the person receiving them the opportunity to see if any mistakes have been made and also gives you a chance to contest them or explain why you may have been doing what it is you were doing that ticked the officer of. Keep this in mind, it has happened!

WFA Board Members

It's fairly safe to say at this time the Western Fallers Board of Directors will be looking for 2-4 new members for 2007, many of the 3 year terms have expired. These Fallers should come out of the lower mainland and lower interior and possibly the south end of Vancouver Island, depending on how Bill Boardman feels at the end of his term.

So, how do you become a Board member? It's fairly straight forward, show up to the AGM, have yourself nominated by another member and be voted in by the membership.

What qualifications are we looking for? Once again, it's pretty straight forward. You must be an active Faller. You have to be liked and respected throughout our community. You've got to be able to read, understand and willing to comment on material that will be forwarded to you *electronically*. You cannot use your position to benefit yourself or your company although we promote getting involved in any pilot sessions etc. that may be going on in the province at any given time, and then get back to the rest of us on what you just experienced.

Think about this request, this organization, though fairly lean and mean does not run itself, it takes a strong Board of Directors, willing to work together to implement positive change for the Fallers of British Columbia.

In Closing

As a paid up member you'll receive further information on the AGM over the next few months. If you have any concerns or ideas you would like tabled at the members meeting or the Board of Directors meeting which follows the next day in Nanaimo, get your thoughts into your area rep or Mike or Wendy, they will be put on the agenda. If you have ideas for guests or speakers the whole works of us would get something out of as Fallers, let us know in short order, so we can get them lined up to come in.

Although some of our friends and colleagues have still been involved in crippling accidents this season, there have been no fatalities. Keep your head up for your own well being as well as those around you and have a safe and productive end to this season.